



The following constitutes
the order of the court. Signed January 13, 2016

M. Elaine Hammond

M. Elaine Hammond
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|------------------|---|------------------------------------|
| In re |) | Bankruptcy Case |
| |) | No. 15-51771 |
| |) | |
| Santa Cruz Berry |) | Chapter 11 |
| Farming Co., LLC |) | |
| |) | <u>SETTLEMENT CONFERENCE ORDER</u> |
| Debtor. |) | |

Good cause appearing, IT IS HEREBY ORDERED that:

1. A settlement conference in the above matter will be held before Bankruptcy Judge Dennis Montali on **February 23, 2016**.

The settlement conference will be held in the Courtroom 17 and in chambers at 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102 and will proceed as determined by the settlement judge. Debtor and Tom Lange Company, Inc. and Tom Lange Company International, Inc.; California Coastal Rural Development Corp.; and Del Mar Food Products Corp., and all of their counsel, should be present at 9:30 AM. unless otherwise scheduled by the settlement judge.

The settlement conference will not be postponed absent leave of the settlement judge.

2. Each party shall serve upon the other parties and lodge a Settlement Conference Statement (not to exceed fifteen pages)

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1 with the chambers of the settlement judge no later than 4:00 P.M.
2 on **February 9, 2016**. The Statement should be mailed directly to
3 chambers, to the attention of Bankruptcy Judge Dennis Montali
4 (**United States Bankruptcy Court, Post Office Box 7341, San**
5 **Francisco, CA 94120-7341**) or delivered to the clerk (**United**
6 **States Bankruptcy Court, 450 Golden Gate Avenue, 18th Floor, San**
7 **Francisco, CA 94102**) and shall not be filed with the Court. The
8 statement shall set forth in the upper right hand corner:
9 **"CONFIDENTIAL - NOT TO BE FILED PURSUANT TO ORDER OF THE COURT -**
10 **LODGE WITH THE CHAMBERS OF JUDGE DENNIS MONTALI."**

11 3. The Settlement Conference Statement shall contain
12 information which would be helpful to the settlement judge,
13 including:

14 (a) A brief statement of the facts specifying those
15 facts upon which the parties agree and the major facts in
16 dispute;

17 (b) A brief statement of the claims and defenses, with
18 citation of particular statutory or other authority which is
19 controlling in the matter;

20 (c) The specific relief sought;

21 (d) An estimate of the cost and time to be expended
22 for further discovery, pre-trial and trial;

23 (e) The history of past settlement discussions,
24 including disclosure of prior and any presently outstanding
25 offers and demands;

26 (f) Any presently scheduled dates for a further status
27 conference, pretrial conference, or for trial; and
28

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1 (g) Copies of any governing contracts or other
2 documents which are central to the case.

3 4. Counsel should be prepared to present orally to the
4 settlement judge a forthright evaluation of the likelihood of
5 prevailing on claims and defenses. Counsel who will participate
6 in the trial of the matter must be present at the settlement
7 conference. The person or persons having full authority to
8 settle the matter shall appear at the settlement conference
9 unless excused for good cause shown on written application
10 received by the settlement judge not less than five days before
11 the settlement conference.

12 5. The settlement conference will not conclude absent
13 leave of the settlement judge, who may continue the conference
14 from time to time at the judge's discretion. The settlement
15 judge may issue any order deemed appropriate to facilitate
16 settlement or the expeditious resolution of the dispute. **Parties**
17 **and their counsel should be prepared to remain beyond normal**
18 **business hours if necessary; travel arrangements should be**
19 **flexible and alternative arrangements should be made for routine**
20 **personal and family commitments. The settlement judge will not**
21 **normally excuse parties or counsel except in the case of**
22 **emergency or extreme inconvenience.**

23 6. The parties must make a good faith attempt to settle
24 the matter before the settlement conference.

25 7. Failure to comply with the terms and spirit of this
26 order may lead to the imposition of sanctions under Bankruptcy
27 Rule 7016 and Rule 16(f), Fed. R. Civ. P.

28 **END OF ORDER**

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